

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Minutes
November 6, 2009

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met at the Indiana Judicial Center on Friday, November 6, 2009 from 12:00 noon until 3:00 p.m.

1. Members present. Gary K. Chavers, Glenn D. Commons, Richard A. Dailey, Deborah A. Domine, Roger L. Duvall, Thomas M. Hakes, James D. Humphrey, A. Christopher Lee, Marilyn A. Moores, G. George Pancol, Carl H. Taul, and Loretta H. Rush, Chair
2. Staff present. Jeffrey Bercovitz, Michelle Goodman, and Angela Reid-Brown provided the committee with staff assistance.
3. Minutes approved. The minutes for the meeting on October 2, 2009 were approved.
4. Guests present. JauNae Hanger, Civil Rights of Children Committee, ISBA was also present.
5. Delinquency notice sent to schools.
 - a. Jeffrey Bercovitz distributed Ind. Code § 35-50-8-1 which requires a notice of certain felony delinquency adjudications to be sent to schools.
 - b. Committee members discussed how the notice was sent in their counties. Some courts instruct probation departments to send the notice.
6. DCS waiving rights of ward in delinquency.
 - a. Jeffrey Bercovitz distributed Ind. Code § 31-9-2-134.5, definition of wardship; Ind. Code 31-33-8-7 concerning examination of a child in CHINS; and Ind. Code § 31-37-8-4 concerning child interview advisements for delinquents.
 - b. Marion and Lake Counties reported they limit the ability of DCS to consent to juveniles being questioned who are wards. This limitation is permitted in the wardship definition statute. Members of the committee agreed if wardship orders were limited, law enforcement, GAL/CASA and probation should be informed as to who is authorized to give consent to questioning. Committee members agreed to share the wording of these orders and recommend the language be included in the juvenile benchbooks.
7. Out-of-state placements. The final report of the Commission on Courts was distributed which indicated approval of a recommendation to repeal that portion of HEA 1001, Special Session, 2009, which requires the DCS Director to approve payment for all out-of-state placements of juveniles.
8. Assessment for juveniles in detention. Committee members reviewed a revised draft of a procedure to pay for mental health assessments for juveniles in detention. They agreed to return it to DCS for final approval.

9. Central call system for reports of abuse. Judge Duvall reported DCS was planning to implement a centralized call system in Indianapolis for reports of abuse and neglect. He explained all reports of abuse and neglect would be made to a central call system in Indianapolis. Members of the committee expressed concern about how persons who walk in to local offices would be directed to make reports to a central office; how instances when a mother appears intoxicated in the courtroom would be administered; and how reports would be returned to local offices for investigation. They agreed however a central call system may bring statewide uniformity to reporting and screen out policies.
10. Regional budgets. Judge Duvall reported on the regional budget process in his region and the importance of judicial participation in this process. Concerns were expressed that if numbers of placements were down since the implementation of HEA 1001, the new DCS regional budgets could be artificially low.
11. Study of emergency shelter care.
a. Jeffrey Bercovitz distributed a letter from DCS, previously distributed in June 2009, announcing a study of emergency shelter care and the lack of uniformity in its use statewide.
b. Committee members agreed to send to the Judicial Center good examples of use of emergency shelter care at the present time.
12. Sample emergency findings. Sample emergency findings based on nonconcurrence by DCS were distributed to committee members.
13. Juvenile risk assessment instruments. Michelle Goodman gave a report on the juvenile risk assessment instruments recently developed with the Indiana Department of Correction, parole, probation, problem-solving courts, court alcohol and drug programs. She explained how the assessment tools were developed by a group from the University of Cincinnati and validated in 22 counties in Indiana. She reported that the Board of Directors would determine the implementation of these instruments, including whether their use by courts would be recommended or required.
14. Report on Third National Judicial Leadership Summit on Protection of Children.
a. Judge Rush distributed an action plan for Indiana developed at the Third National Judicial Leadership Summit on the Protection of Children.
b. She highlighted the main points of the plan including court performance measures, engaging fathers effectively, establishment of a Supreme Court Commission on Children, development of a statewide protocol for dealing with cross-over children, educational stability in order to keep children in school, and reduction of disproportionate number of minority children in the system, with a summit focusing on CHINS. Judge Moores moved to have Judge Rush and Bonaventura to meet with the chief justice to discuss the broad based commission on youth. They will recommend the Supreme Court think about establishing a commission on youth or take the lead in coordination with the already statutorily created Board for the Coordination of Programs Serving Vulnerable Individuals under Ind. Code § 4-23-30.2.
15. Presentation by JauNae Hanger. JauNae Hanger reported as a consequence of the Summit on Racial Disparities Conference in August, 2009, legislation was needed to focus on training law enforcement, school police and educators to reduce racial disparities on school discipline, referrals and arrests. She distributed draft legislation, and talking points about this initiative. Committee

members agreed to give input on the draft to Ms. Hanger, and let her know if juvenile court judges are behind this issue when legislation is introduced.

16. Next meeting.

a. Committee members agreed to (1) share language limiting the authority of DCS to consent to custodial interrogations, and not moving juveniles without permission of the court, and asking the juvenile benchbook committee to make this available in the benchbook to all juvenile courts; (2) distribute contact information for JauNae Hanger with committee members in order to share feedback on her proposed legislation and (3) receive an update from the out-of-state placement subcommittee.

b. Committee members agreed to meet again on the following dates: January 8, February 5, March 5, May 7, June 4 October 8 and November 5, 2010, all from 12:00 noon – 3:00 p.m. at the offices of the Indiana Judicial Center at 30 South Meridian Street in Indianapolis.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Services